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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,127	06/07/2006	Dong-Hyuk Lee	CMP-0008-SE	2190

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EXAMINER

KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2437

MAIL DATE	DELIVERY MODE
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02/15/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,127	Applicant(s) LEE, DONG-HYUK	
	Examiner NADIA KHOSHNOODI	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/4/2010 has been entered.

Response to Amendment

Claims 5-7 have been cancelled. Applicant's arguments/amendments with respect to pending claims 1-4 & 8-12 filed 10/25/2010 have been fully considered but are moot in view of new grounds rejection.

Claim Rejections - 35 USC § 101

I. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

II. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as it does not fall under any of the statutory classes of inventions. This claim is directed towards a computer-readable recording medium which is not limited to falling under the statutory classes of invention set forth. Currently, based on USPTO Policy, a signal is not recognized as falling under one of the statutory classes of invention. When the computer readable medium is not specifically defined as non-transitory in the Specification the

broadest reasonable interpretation is used according to MPEP 2111, thus the computer readable recording medium may embody signals, i.e. transitory media. Examiner suggests that Applicants amend the claims to add a limitation to direct the language of the ‘computer readable recordable medium’ claim to only include the non-transitory embodiment which would remove the possibility of claiming signals by incorporating the term “non-transitory” or by claiming a “computer recordable **device**.”

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 1, 4, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al., US Patent No. 6,728,885 and further in view of Malcolm, US Patent No. 7,146,638. As per claims 1, 4, and 10:

Taylor et al. substantially teach a network security system/method/computer-readable recording medium comprising: a port monitoring unit for extracting information about a server port being used by a network communication program (col. 5, lines 33-36); an internal permitted program storage for extracting information about a program for which communication is permitted by the firewall, and registering the extracted information (col.5, line 66 – col. 6, line 12); an internal permitted port storage registering the extracted information about the server port

if the network communication program extracted from the information about the server port is registered in the internal permitted program storage (col. 6, lines 13-25); and wherein the firewall flexible device further determines whether a destination port of a packet of inbound traffic has been registered in the internal permitted port storage and blocks the packet if inbound traffic if the destination port has not been registered (col. 5, line 66 - col. 6, line 20; col. 10, line 57 – col. 11, line 3; and Fig. 4, elements 303, 311, & 321).

Not explicitly disclosed is where the internal permitted program storage stores a list of programs permitted to have server ports registered by the firewall, wherein the internal permitted program storage adds a program/program information to the list and a firewall flexible device for determining whether the network communication program is registered in the list of programs stored in the internal permitted program storage, where the firewall flexible device determines that the network communication program is registered in the list of programs. However, Malcolm teaches a firewall device maintaining a list of application programs who are attempting to connect to a particular server port, where application programs are added to the list and where the firewall determines whether the application program is registered in the list of programs stored (col. 9, lines 38-52). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to store a list of permitted programs registered by the firewall and to have the firewall determine whether the network communication program is registered in the list of programs stored in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Malcolm suggests that maintaining a list of application programs which are permitted to

Art Unit: 2437

access particular ports ensures that only authorized application programs gain access to the network in col. 7, lines 27-33 and col. 9, lines 38-52.

As per claims 11-12:

Taylor et al. and Malcolm substantially teach the network security system/method as set forth in claims 1 and 4. Furthermore, Taylor et al. teach wherein the firewall flexible device allows the packet of inbound traffic to bypass the firewall if the destination port has been registered (col. 10, line 63 - col. 11, line 15).

V. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al., US Patent No. 6,728,885 and Malcolm, US Patent No. 7,146,638 as applied to claims 1 and 4 above, and further in view of Yadav, US Pub. No. 2003/0149887.

As per claims 2 and 8:

Taylor et al. and Malcolm substantially teach the network security system as set forth in claims 1 and 4. Furthermore, Taylor et al. teach wherein the information about the program includes information about the program name (col. 5, lines 18-65). Not explicitly disclosed is wherein the information about the program, which is extracted and registered in the internal permitted program storage, includes information about an entire path of the program, and a program hash value. However, Yadav teaches that an application communicating over a network may be identified by its entire path and message digest hash value (par. 45). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to register the entire path of the program, in addition to an MD5 hash value in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have

Art Unit: 2437

been motivated to do so since Yadav suggests that the file path and the hash value may be used in successfully identifying an application and determining if the application is authorized or not for intrusion detection purposes in par. 46.

As per claims 3 and 9:

Taylor et al. and Malcolm substantially teach the network security system as set forth in claims 1 and 4. Furthermore, Taylor et al. teach where the information about the server port stored in the internal permitted port storage includes a protocol and a port (col. 7, lines 4-67). Not explicitly disclosed is wherein the information about the server port, which is registered in the internal permitted port storage, includes information about at least one of an entire path of the program. However, Yadav teaches that an application communicating over a network may be identified by its entire path (par. 45). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Taylor et al. to register the entire path of the program in the internal permitted program storage. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Yadav suggests that the file path may be used in successfully identifying an application and determining if the application is authorized or not for intrusion detection purposes in par. 46.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nadia Khoshnoodi/
Examiner, Art Unit 2437
2/12/2011

NK

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437